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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,711	08/25/2003	Said A. Goueli	016026-9178 DIV	5274
23510	7590	09/09/2005	EXAMINER	
MICHAEL BEST & FRIEDRICH, LLP ONE SOUTH PINCKNEY STREET P O BOX 1806 MADISON, WI 53701			BORIN, MICHAEL L	
			ART UNIT	PAPER NUMBER
			1631	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	GOUELI, SAID A.	
10/647,711	Examiner	Art Unit
	Michael Borin	1631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) 1-20 are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

**DETAILED ACTION**

Claims 1-20 are currently pending.

***Restriction Requirement***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-10, 16-20, drawn to alkyl peptides, classified in class 350, subclass 300, in general.

Claims 1-4, 16-20 are linking claims for the following inventions I.1-I.8

I.1. Claims 5,6 (in part) as directed to alkyl peptide comprising inhibitor region of sequence LIEEAASRIVDAVI;

I.2. Claims 5,6 (in part) as directed to alkyl peptide comprising inhibitor region of sequence TAEEVSARIVQVVT;

I.3. Claims 5,6 (in part) as directed to alkyl peptide comprising inhibitor region of sequence LIETASSLVKNAIQ;

I.4. Claims 5,6 (in part) as directed to alkyl peptide comprising inhibitor region of sequence LIETASSLVKNAIE;

I.5. Claims 5,6 (in part) as directed to alkyl peptide comprising inhibitor region of sequence EVAAEVLAEVITAAVKAV;

I.6. Claims 5,6 (in part) as directed to alkyl peptide comprising inhibitor region of sequence IIDMASTALKSKSQ;

I.7. Claims 5,6 (in part) as directed to alkyl peptide comprising inhibitor region of sequence LAEKIVAEAIEKAE

I.8. Claims 5,6 (in part) as directed to alkyl peptide comprising inhibitor region of sequence VISEATEQVLATTVGKVAGRVC

II. Claims 11-15, drawn to method of inhibition of protein interaction in live cells.

The inventions are distinct, each from the other because of the following reasons:

Claims 1-4, 7-10 link inventions I.1-I.8. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claims, claims 1-4, 7-10. Upon the allowance of the linking claims, the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application. Applicants are advised that if any such claims depending from or including all the limitations of the allowable linking claims are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler* , 44 F.2d 1211, 1215, 170 USPQ 129, 131 - 32 (CCPA 1971). See also MPEP § 804.01.

Inventions I and II are related as product and process of use. In the instant case inhibition of binding of proteins can be practiced with a broad variety of inhibitors beyond the claimed peptides. Further, the product as claimed can be used in a materially different processes such as preparation of peptide mimetics.

Because these inventions are distinct for the reasons given and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

If applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.  
(MPEP 821.04)

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Borin whose telephone number is (571) 272-0713. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, Ph.D., can be reached on (571) 272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Michael Borin, Ph.D.  
Primary Examiner  
Art Unit 1631

mlb